

### **REMARKS**

The claims have not been amended. Accordingly, claims 1, 8, 15, 17, 19, 21, 23, and 25 are currently pending in the application, of which claims 1, 8, 15, and 17 are independent.

Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

#### ***Rejections Under 35 U.S.C. § 102***

In order for a rejection under 35 U.S.C. § 102(e) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(e) rejection improper.

Claims 17 and 25 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2003/0054863 applied for by Lee, *et al.* ("Lee"). Applicants respectfully traverse this rejection for at least the following reasons.

Lee fails to disclose every feature of claim 17. Claim 17 recites, in relevant part, "a radio frequency transmitter for transmitting data ... after a call connection is set up, wherein the data includes the caller information and a telephone number of a receiving party."

In rejecting claim 17, the examiner relies upon Lee's paragraph [0033] to disclose "wherein the data includes the caller information and a telephone number of a receiving party." Applicants disagree with the examiner's characterization. The examiner relies upon the caller image signal disclosed in Lee as the "caller information." Further, Lee's paragraph [0033] discloses the buffering of a caller image signal in response to a caller's selection. As described, the reason for buffering the caller image signal is so the signal may be "appended to a call when a call origination occurs in the UE." Lee, paragraph [0033]. Thus, this paragraph envisions a

caller image signal being transmitted after a call origination. However, what neither this paragraph nor the remainder of Lee discloses is data that includes "a telephone number of a receiving party," where the data is transmitted from a radio frequency transmitter "after a call connection is set up." (emphasis added). To the contrary, once a call originates according to Lee, data transmitted fails to include "a telephone number of a receiving party."

For at least these reasons, Lee fails to disclose at least these features of claim 17.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection of claim 17. Claim 25 depends from claim 17 and is allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claim 17 and all the claims that depend therefrom are allowable.

### ***Rejections Under 35 U.S.C. § 103***

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 550 U.S. \_\_, slip op. at 14-15 (2007). Furthermore, even if the prior art may be combined, the combination must disclose or suggest all of the claim limitations. See *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 1, 8, 15, 19, 21, 23 and 25 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0126814 applied for by Awada, *et al.* ("Awada") in view of Lee. Applicants respectfully traverse this rejection for at least the following reasons.

Even if Lee and Awada could be combined as suggested by the examiner, the combined references fail to disclose or suggest every feature of claim 1.

Claim 1 recites, in relevant part, "wherein the caller information is automatically stored in the receiver terminal." (emphasis added). The examiner relies upon Awada's paragraph [0034] to disclose these features of claim 1. Applicants disagree. Awada is explicitly clear that the user of the receiving terminal must make a selection from among options 420, 430, 440, and 450 upon receiving the caller-id information from the calling party. Awada, Fig. 4; paragraph [0045]. Only one of these options—420—will add the caller-id information to the local directory, and since it requires a user input, the storing is not automatically. See also, e.g., paragraph [0009] (where the called party "is given the option to store the caller-id information as a directory entry."); paragraph [0027] (where "options to store the caller-id information in a local directory may also be provided" in addition to displaying the information on the device); paragraph [0051] (where the caller-id information is compared against directory entries "prior to providing the user with an option to add the caller-id information to the called party personal directory."). Thus, Awada is clear that storing the caller-id information in the receiving terminal is dependent upon a selection made by the user, and therefore is not automatic.

Although Awada refers generally to the service as "automatic directory service" throughout the specification, the "automatic" in this term refers to the mechanism by which the services provider 165 determines whether to provide the receiving terminal with the caller-id information based on the receiving terminal's subscribed services. Awada, paragraph [0024]. The "automatic," therefore, refers to the automatic retrieval of the caller-id information from a

caller-id information database 180 if the receiving terminal subscribes to the service. Awada, paragraph [0026]. The term does not, however, refer to the manner in which the receiving terminal stores the caller-id information to the called party personal directory. As noted above, that function requires a selection by the receiving terminal's user. Further, contrary to the examiner's position in the Office Action, Awada's paragraph [0034] is consistent with the above-quoted portions of Awada's specification.

Finally, Lee fails to remedy the shortcomings of Awada in this feature. Specifically, Lee's paragraph [0044], which deals with the receiving terminal's receipt of the caller image signal, is silent as to how the receiving terminal treats the caller image signal upon receipt. Such silence is insufficient to remedy the shortcomings of Awada, and also therefore insufficient to sustain the current obviousness rejections.

Claims 8 and 15 also each recite, in relevant part, "wherein the caller information is automatically stored in the receiver terminal." Therefore, Awada in view of Lee fails to disclose or suggest every feature of these claims for at least the same reasons as those set forth above for claim 1.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 8, and 15. Claims 19, 21, and 23 respectively depend from claims 1, 8, and 15, and are allowable at least for this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1, 8, and 15, and all the claims that depend therefrom, are allowable.

**CONCLUSION**

A full and complete response has been made to the pending Office Action, and all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, all pending claims are allowable and the application is in condition for allowance.

The Examiner is invited to contact Applicants' undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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